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CONVICT LABOR IN HIGHWAY CONSTRUCTION

BY JOSEPH HYDE PRATT,

State Geologist of North Carolina, Chapel Hill, N. C.

In considering the convict question, two general principles must be kept in mind. First, that a convict having committed a crime against society has been, during his arrest, prosecution and conviction a large expense to society and therefore should, as far as possible, compensate society for his crime and this expense. Second, it is necessary in the treatment of the convict and the work he is required to do to keep in mind that it is to the interest of society and of the state that the convict shall be in better condition physically and morally at the end of his sentence than when he began, so that he will be able to take his place as a member of society.

Formerly there was too much tendency to consider the convict as a collateral of the state out of which just as much income should be derived as possible, regardless of the effect that the methods employed might have upon the convict himself. The authorities did not seem to realize that the convict would some day again become a part of society and a citizen of the state, and would either be an expense to the state or be a source of income to the state, this being dependent upon the condition of the convict at the time of his discharge. Public opinion is becoming almost unanimous that the leasing of convicts for any purpose should be abolished; and, although it is still in vogue in certain states, there is in these states a steadily increasing sentiment against it and a demand that it shall cease. The convict, after he has been convicted and sentenced, begins to pay his indebtedness to the state, and we should consider this indebtedness paid when the prisoner is discharged; then he should no longer be considered a convict, ex-convict, jail bird or be designated by any other term, such as is constantly being applied to those who have had to serve a prison sentence; but they should be considered as citizens of the community and the state in which they live.

To my mind, one of the main objects of punishment of a convict is to bring forcibly to his mind the fact that he has committed

a crime against society, but that society will be ready to receive him again as a citizen if he makes good during the serving of his sentence, and for this reason every opportunity should be taken by the state to give the convict every chance possible to make a man of himself. There is no doubt that there are a great many men who have committed a crime against society who have not been convicted but are living as respectable citizens in their communities, and when we stop to consider that a majority of the so-called crimes that are committed are against laws that have been passed by a majority of the people and sometimes by only a small majority, showing that all society is not in accord with the principle involved in the law, yet because the majority votes favorably to it, the whole community accepts it as the best.

The problem reduces itself to the question: What work should the convict do that will be for the best interest of the state and the convict himself, as I take it for granted that all believe that the convict should do some work. Any labor that may be required of the convict that is in direct competition with free labor is assuredly not to the best interest of the citizens of the state, inasmuch as it is liable to cause an unsettled condition amongst the laborers with which the convict labor is in competition. The work which the convict does should be of such character that the people of the state can feel that they are deriving some direct benefit from it. As stated before, we must not consider the convict as collateral out of which we are to make the greatest income. The methods that have been used by so many states for working their convicts, such as in manufacturing establishments, in mines, on farms, in turpentine forests and in the construction of railroads, do not employ the convicts in a work out of which the people of the state derive a direct benefit, and the work is largely in the interest of individuals and private corporations.

What better work can a convict be employed in doing than in the construction of public roads, considering it first from the standpoint of the greatest good to the citizens of the state? A public road is a public necessity and it belongs to all the people of the state. Everyone has the right and privilege to ride and drive on a public road, and a good public road is a blessing to every community through which it passes.

Considering the scarcity of labor in our rural sections, this is

one employment of convict labor which for many years to come will not in any way be in competition with free labor.

The finished product of such employment of convict labor is a good public road, which belongs to the state and does not have to be disposed of in competition with products made by free labor. These conditions cannot be obtained when convict labor is employed in manufacturing industries, in mining coal or other mineral products, in farming or in leasing convicts to railroads or other corporations. If convicts are employed in manufacturing industries and produce products other than what are actually required by the penitentiary in connection with the maintenance of the prisoners, it at once comes into competition with similar products manufactured by free labor and, if the time should ever come when the supply is much greater than the demand, the convict-made goods could probably be sold at a lower price to the disadvantage of the free labor products. And then again, if there was any serious difficulty in disposing of the product, there would be a tendency to lower the price in order to dispose of it. This is just as true in connection with the employment of convict labor in mining coal and other mineral products. In Tennessee, where state convicts are employed in mining coal from mines belonging to the state, considerable friction has been caused, and still exists, between the private operators of coal mines and the state, on account of the big advantages the state has in producing the coal to the disadvantage often of the private operators. By reason of three conditions existing at the coal mines belonging to the state, it is able to produce much cheaper than the private operators, and there is a tendency to sell at a lower price, thus bringing it into the sharpest kind of competition with the coal produced by the citizens of the state. These three conditions are: (1) The state mines have a constant supply of labor at all times; (2) this labor is not disturbed at all by strikes or labor conditions elsewhere; (3) through the State Railway Commission, it is no trouble for the state always to have plenty of coal cars on hand in which to ship the coal. From the above it can readily be seen that there is bound to be a great deal of friction between the Coal Operators' Association and the state, in regard to the employment of convicts in mining coal. This is a direct competition of convict labor with free labor and a product produced by convict labor with a product produced by free labor.

The same principle holds, however, in connection with the work of convicts on the farm, except, of course, where only a sufficient number are worked on a state farm to produce farm products for use in the maintenance of the convicts. Where large farms are bought up by the state and the state goes into farming on a large scale nearly to the full extent of its force, the convicts do undoubtedly enter into competition with free labor. And the convicts do not produce any product that is of any direct value to the citizens of the state, and, although there may be a considerable income derived from the state farm which goes into the general treasury, yet the citizen himself does not feel that he is deriving any direct benefit from the labor of the convict. All the above forms of convict labor do turn into the state treasury a certain amount of revenue which is reckoned as net profit from the labor of the convict and in part compensates for the expense of the county and state in the prosecution and conviction of the criminal. On the other hand, where the convicts are leased for the purpose of constructing railways, the chances are ninety-nine out of one hundred that the citizens of the state do not derive any direct benefit from the labor of the convict. The state usually receives for this labor, stock in the proposed railway, which generally is worth little. Very often the railway is sold for the bonds, so that the stock is of no value whatever.

Convict labor can, however, be employed in building public roads, so that the treatment of the convict, both in regard to his labor and health, will be carried out to the best advantage for the state, for the citizen and for the convict.

In the first place, it engages the convict in healthful occupation. It is hard work, and no man should be forced to work on the roads whom the doctor, upon examination, considers unable to do the work. It is outdoor work and, for the most part, in the country, where the air is pure and where there is plenty of good drinking water; and statistics show that the health of the convict who is employed in road construction and living in the convict camps is better than that of those in any other form of work. Of course, when I make this statement, I mean convict camps that are under the supervision of competent men so that the camps are sanitary, the rooms clean and the food well cooked, clean and wholesome. It costs no more to keep camps in this condition than in the opposite way, but it is necessary that they should be under state supervision and that

competent and reliable men should be in charge of the inspection work.

There have been, and perhaps there are still, abuses in convict camps, and prisoners have been mistreated, underfed, etc. I believe that the outdoor work not only improves the physical health of the convicts, but in many instances their experiences as road builders have actually improved their general character and prepared them for better citizenship. It is a matter of record that many convicts connected with the road camp who have behaved themselves properly and performed their work efficiently, thereby being especially trusted and trained by the ones in charge of the work, have, after the expiration of their sentence, obtained fair positions in or near the communities where they had previously lived in the convict camp. One objection that has been made to the use of the convict in road building is that the very publicity of the work in exposing the prisoner to the gaze and remarks of the passer-by would have a tendency to harden the criminal. This has not, however, been substantiated by any statistics that can be obtained regarding convicts. It is necessary that the prisoner be made to realize his indebtedness to society and to realize that the work required of him is simply in payment of this debt, and, therefore, in his road work he is simply paying off an indebtedness and fulfilling an obligation. I believe as our convicts begin to realize this it will have a tendency to make them see the justness of the punishment that is being meted out to them, and they will look upon their work as something to be performed not as a punishment but in the fulfilment of an obligation, and thus they will pave their way to becoming better men and better citizens.

The question of a uniform for the convicts who are working on the public roads is one that has been given very serious consideration. The suit of stripes worn by prisoners is simply a uniform, and it may be that this uniform should not be worn outside the penitentiary or stockades. That, however, is for the different states to decide. I see no reason why, under certain conditions, a khaki uniform could not be used to advantage for the squads that work the public roads, but it is necessary that some uniform should be adopted for the convict. This has been deemed necessary for laborers in cities, as, for instance, the white brigade of New York City.

The employment of convict labor in road construction permits of a permanent organized force which can be better maintained than with free labor. Anyone who has had anything to do with the construction of roads knows how hard it is at times to obtain sufficient labor with which to do the work that is required, and that it is almost impossible to keep a permanent organized force of men employed in road construction. With the convicts, however, such a force can be maintained, and, after the organization has been once perfected, it will be found that the actual cost of road construction can be reduced very materially from what it has cost proportionately by free labor. It is not economical to work convicts on the public roads unless the number in a squad can be fifteen or more men, for one guard can usually look after ten or fifteen men, and with a smaller number, the guard would have to be employed, as well as the superintendent, cook, etc. On the other hand, it is found that too large a camp is as unsatisfactory as one too small. The organization, therefore, of the convicts for road building purposes can be divided into camps containing a certain number in each, under the supervision of its superintendent and guards. After a few months' work, these squads become pretty efficient in road construction, and as they are moved from place to place throughout the state, they have very little difficulty in adapting themselves to the varying local conditions that they may find. Of course, many prisoners are committed to the roads for a few months, others for a year or more, but these short-term men can usually be detailed to camps where the majority of the men have been at work for some time, so that there is very little trouble in the new man becoming acquainted with the work that is required of him. I believe that it is very feasible to work the long-term convicts on the road, even those whose sentences exceed ten or fifteen years. These long-term men could be detailed to a certain road force or squad and in time would become rather expert in road construction and would form the nucleus in the squad from which the short-term men could learn the road work. In time these long-term men would be sufficiently familiar with the work to be put in actual charge of it as foremen. Others will become efficient in the running of the machinery necessary in road work, and in the end would become competent mechanics. By having the permanent force of men to build our roads it would be possible for the state to quarry and crush the rock necessary for

making the macadam road, and it would be found feasible and to the advantage of the state to build a stockade on the roads. Those men who were not strong enough to do the work could easily be employed as drivers to haul the stone from the quarry to where it was needed on the road. Then again, the work would require a number of blacksmiths for shoeing horses, sharpening mattocks, drills, etc., and this work could also be done by the long-term convicts who had shown by their behavior and deportment that they were to be trusted. Cooks would also be needed, and here again the long-term men could be used to good advantage. Thus, the whole force could be organized permanently and the very best results obtained in road construction. As the state has to pay nothing for this labor, and simply has to provide maintenance for it, many people speak of it as cheap labor, forgetting that the state has already been to very heavy expense in the conviction of the criminal, and that very often even a ten-years' service of the convict does not pay back to the state the actual amount which has been expended in his prosecution and conviction. The most important thing, however, in connection with convict labor is that it is a permanent organization, under the absolute control of the state, and when employed in building a good road it is performing labor from which all the people of the state derive direct benefit, as all the people have the right to use the public roads.

Another reason for using convicts for public road work is that it will free the community from the tramp nuisance, for, if there is one thing that this class of men despise it is work, and especially hard work. Many of them do not object to spending a certain number of weeks, or even months, in jail; but, if they knew that when arrested for vagrancy they would be sentenced to three or four months' work on the public road, they would keep away from such a community.

I believe road work is the best possible punishment for the common criminal and even for the other criminals. I believe, in the end, it is the best solution for the care of all classes of convicts. There are sufficient types of work connected with the road work so that the more intelligent and better educated men who are convicted of crime can do work connected with public road construction that is not actual work on the road itself, which can be performed by the common laborer. They can act as foremen, superintendents,

bookkeepers, blacksmiths, machinists, etc. Where the camps are well kept, and sanitary conditions are provided that meet with requirements that can be ordered by act of legislature, and where the food is prepared and served according to definite provision provided by law, there is no reason whatever why the convict should not be kept in the best of health in connection with his work. There have been abuses of the convicts, as I have already stated, in connection with the convict camp life, but if a proper prison commission is appointed which is non-political and has the best interests of the state at heart, there should be no reason for these abuses. It is to the best interests of the state that the convict be kept in the best of health, not only because it reduces expense and increases his efficiency as a laborer, but also because it increases the chances of making him a good, respectable citizen; and that, to my mind, is the object of the punishment and the state's care of the convict. I believe in separating the vicious and absolutely immoral convicts from the others in camp life and, if necessary, confining them within the prison walls. Simply because a man has been convicted of a crime does not mean that he is not capable of becoming a respectable citizen after he has once paid the penalty of his crime.

The state should do all in its power, as I have said, to impress upon the prisoner that the punishment the state has meted out to him is simply to make him pay a debt that he owes to the state and to society, and that when he has paid this debt, the state expects him to take his place in that society as a citizen of the state and not as an ex-convict. There are probably, I was going to say nearly, as many men who have committed crime who have not paid the debt they owe to the state for the crime, and yet are living as respectable citizens in their community and, in many instances, the crime is known. If this is the case, why should we not permit the man who has paid his debt to the state to become a respectable citizen without throwing too many obstacles in his way?

The result of working convicts, both county and state, on the public roads will be a system of good roads throughout the state. Some of the arguments that have been advanced against the use of convicts in public road construction are that it is degrading to the convict to have him exposed to the public gaze at all times, and also that it is harmful to children to come in contact with convicts as they pass along the public roads. Is it any worse for the convict to

be seen at work on the public road than it is for visitors passing through a walled prison curiously to look at the prisoners in their cells or at work in their work shops? Of course, on the roads the convict is seen by more people, but as they become accustomed to these men working on the road they begin to think less and less of it and simply look upon them as on any laborers who are at work building roads. If the squads of convicts are in khaki uniform, they will, of course, attract much less attention. The objection to the armed guard should not be taken too seriously. Armed guards are necessary in many instances, but why should serious objection be made to this when it is not an uncommon sight to see uniformed soldiers of the United States repairing roads around army posts and an armed guard in charge of the squad? On a certain class of people it may have a good influence in keeping them from committing some crime when they realize that if convicted they will be sent to the roads.

Another argument that has been advanced is that the state should try to train the prisoner to some useful occupation so that when he leaves the prison he will be able to take position at some trade. In order to do this, it will be necessary for the convicts to be used at labor which is in direct competition with free labor, which is objectionable. It would also mean the manufacture of products that would be sold in direct competition with products manufactured by free labor. It is my claim that in working convicts on the public road, there is an opportunity of developing the men according to their ability as blacksmiths, mechanics, expert road builders, contractors for road building, bookkeepers, cooks, etc. The bulk of the men, however, would be common laborers and that is all they would have been if they had not committed a crime, been convicted and sentenced to the roads. They will, however, have been trained as expert day laborers and can give good value for money received. And for this reason, I still think that we are providing work for the prisoner that is for the best interests of the state, the citizen and the convict.

One other phase of the employment of convict labor that I wish to speak of is the use of the honor system when the convicts are employed in working public roads. This has been used more or less successfully in Washington, Oregon, California, Colorado, Montana, New Mexico and Nevada, the convicts being worked on the public roads without stripes and without guards. Very few

men who become convicts are entirely devoid of a sense of honor, and if the state, in its treatment of this type of convict, will try to bring out and develop this spark of honor, which I believe a large proportion of the men have, we can put a great many of such men on their honor and work them successfully on the public roads without stripes and guards. As the convict begins to realize that he is being treated as a man and that just so long as he behaves himself he will be treated in this way, we will find that perhaps a large majority of the convicts can be placed on their honor. At the beginning, the convicts would have to be carefully studied, and only those of a certain known type should be put on the roads without guards. As the others show that they also want to be treated as men, those who can be trusted should, in turn, be given a chance on the public roads. The honor system is now in vogue to a limited extent in nearly all state penitentiaries where we find the so-called trusties allowed a great deal of freedom and used in all sorts of occupations where they would have numerous chances to escape if they desired to do so. Of course, most of these trusties are at the present time in stripes.

As we all know, the more incentive there is given to a man to work, the better he will work and the better results he will accomplish. I believe it is a good policy and the right thing to allow a convict a certain per diem for his work, this to be accumulative and to be given to him at his discharge or, at his request, sent to his family, and also that his sentence should be commuted so many days per month for each month he works on the public roads when he gives a fair deal to those who have put him on his honor.